



PATENT

Attorney Docket No.: A-69605-1/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Not assigned
GUNDERSON, et al.)) Group Art Unit: 1645
Serial No. 09/940,185))
Filed: August 27, 2001))
For: PROBES AND DECODER))
OLIGONUCLEOTIDES))

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on 12/21/02.

Signed: Fern S. Marder
Fern S. Marder

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed October 19, 2001.

Applicant claims small entity status in accordance with 37 CFR 1.27.

Enclosed are the following documents:

- (1) Copy of Notice to File Missing Parts of Nonprovisional Application;
- (2) Declaration and Power of Attorney;
- (3) Assignment (copy);
- (4) Power of Attorney by Assignee;

Serial No.: 09/940,185
Filed: August 27, 2001

- (5) Check for \$659.00 to cover the filing fee (\$370.00), 2 independent claims over 3 (\$84.00), the multiple dependent claim surcharge (\$140.00), and the missing parts surcharge (\$65.00) for a small entity (all at post-October 1, 2001 rates);
- (6) Petition for Extension of Time (one month);
- (7) Check in the amount of \$55.00 to cover a one-month extension for a small entity;
- (8) Preliminary Amendment Re Sequence Listing, Transmittal of Paper Copy Sequence Listing On Compact Disc, with compact disk (Sequence Listing) and floppy diskette (CRF); and
- (9) Return receipt postcard.

The Commissioner is authorized to charge any fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69605-1/RMS/DCF).

It is believed that submission of the above serves to satisfy all of the requirements of the outstanding Notice of Missing Parts.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



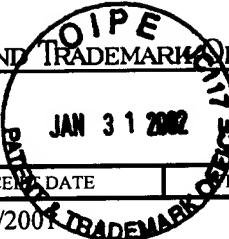
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UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NUMBER	FILING/RECEIVED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/940,185	08/27/2001	Kevin Gunderson	A-69605-1/DJB/RMS/DCF

CONFIRMATION NO. 3512
FORMALITIES LETTER

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, CA 94111-4187



OC00000006937893

Date Mailed: 10/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$430.

■ \$160 for 2 independent claims over 3 .	01 FC:201	375.00	375.00
■ \$270 for multiple dependent claim surcharge.	02 FC:202	64.00	64.00
	03 FC:204	140.00	140.00
	04 FC:205	68.00	68.00
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1270.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE